

**22223. Misbranding of cottonseed screenings. U. S. v. Muskogee Cotton Oil Co. Plea of guilty. Fine, \$50. (F. & D. no. 31409. Sample no. 19821-A.)**

This case was based on an interstate shipment of cottonseed screenings which contained less protein and more crude fiber than declared on the label.

On February 23, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Muskogee Cotton Oil Co., a corporation, Muskogee, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 26, 1932, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed screenings which were misbranded. The product was tagged with two different tags, one reading in part: "Red Seal Brand Cotton Seed Cake and Meal \* \* \* Guaranteed Analysis Protein not less than 43 per cent, \* \* \* Crude Fiber not more than 12 Per cent, \* \* \* Manufactured by and For Muskogee Cotton Oil Company, Muskogee, Oklahoma", the other reading in part: "Equity Brand Cottonseed Cake and Meal \* \* \* Guaranteed Analysis Protein not less than 43% \* \* \* Crude Fiber not more than 12%, \* \* \* Manufactured for Feeders Supply and Mfg. Co. \* \* \* Kansas City, Mo."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis Protein not less than 43 per cent \* \* \* Crude Fiber not more than 12 per cent", borne on the tags, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained not more than 40.44 percent of protein, and not less than 14.91 percent of crude fiber.

On April 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22224. Adulteration of canned tomato puree. U. S. v. Holley Canning Co. Plea of guilty. Fine, \$25. (F. & D. no. 31412. Sample no. 32137-A.)**

This case was based on an interstate shipment of canned tomato puree which contained excessive mold.

On February 5, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Holley Canning Co., a corporation, Holley, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 4, 1933, from the State of New York into the State of Pennsylvania, of a quantity of canned tomato puree which was adulterated. The article was labeled in part: "Holleyripe Brand Puree Tomatoes HCCo. Packed by Holley Canning Co., Holley, N. Y."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On April 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22225. Adulteration and misbranding of butter. U. S. v. William W. Barnum (McKean County Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 31421. Sample no. 40078-A.)**

This case was based on an interstate shipment of butter which contained less than 80 percent by weight of milk fat and which was also short weight.

On February 26, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William W. Barnum, trading as the McKean County Creamery, Smethport, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 24, 1933, from the State of Pennsylvania into the State of New York, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "1 Lb. Net Weight \* \* \* Butter."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk as required by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the statements, "Butter" and "1 Lb. Net Weight", borne on the packages, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 80 percent of milk fat, the standard